

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JUSTIN ALLEN DAVEY,

Plaintiff,

V.

PIERCE COUNTY COUNCIL, et al.,

Defendant.

Case No. C21-05068-LK-SKV

ORDER DENYING MOTION FOR
COUNSEL AS MOOT, GRANTING
MOTION FOR CONTINUANCE TO
EXTENT OF STAYING DISCOVERY
AND DISCOVERY AND
DISPOSITIVE MOTION DEADLINES,
AND DIRECTING CLERK TO SEND
COPIES

This is a 42 U.S.C. § 1983 prisoner civil rights action. Currently pending before the Court are Plaintiff's motion for appointment of counsel, Dkt. 76, "motion for continuance", Dkt. 77, as well as a letter requesting copies of various court filings, Dkt. 78.¹

Motion to Appoint Counsel

Plaintiff moves for a second time for appointment of counsel in this case. Dkt. 76. However, on August 8, 2022, the Court issued an order reconsidering Plaintiff's prior request for appointment of counsel, granting appointment of counsel contingent on the identification of

¹ Plaintiff has also filed a motion for reconsideration, Dkt. 79, which will be addressed by separate order.
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1 counsel willing to represent Plaintiff, and directing the Western District of Washington's pro
 2 bono coordinator to identify counsel to represent Plaintiff, in accordance with the Court's
 3 General Order 16-20. *Id.* The search for counsel to represent Plaintiff in this matter is currently
 4 still ongoing. Accordingly, Plaintiff's second motion to appoint counsel, Dkt. 76, is DENIED as
 5 duplicative and moot as the Court has already granted Plaintiff the relief requested.

6 Motion for Continuance and Letter Requesting Copies

7 Plaintiff also moves for a continuance of a deposition hearing which he indicates his
 8 mother informed him he was subpoenaed to appear for. Dkt. 77. Plaintiff indicates that he has
 9 been reincarcerated at SCORE Jail and is awaiting competency evaluation/restoration. *Id.* He
 10 requests a continuance of the deposition hearing until he is appointed counsel in this matter. *Id.*
 11 Plaintiff subsequently filed a letter which was received and filed by the Court on October 6,
 12 2022, indicating he had been informed a deposition was scheduled for October 5, 2022, at
 13 SCORE Jail. Dkt. 80. Defendants have not yet responded to Plaintiff's request for a
 14 continuance and their response is not yet due under the briefing schedule. However, in light of
 15 the fact that the Court has found appointment of counsel appropriate in this case and is in the
 16 process of attempting to locate counsel for Plaintiff, the Court finds it is appropriate to GRANT
 17 Plaintiff's motion, Dkt. 77, to the extent that all discovery as well as the discovery and
 18 dispositive motions deadlines in this case shall be STAYED until the Court's search for counsel
 19 is complete.

20 Plaintiff also indicates that he does not have access to any of his legal documents or
 21 activity in this case and requests that the Court send him "all documents and activity starting
 22 from his second amended complaint." Dkt. 77. Plaintiff also requests this same relief separately

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in a letter to the Court. Dkt. 78. The Clerk is directed to provide Plaintiff with a copy of the following documents: the docket sheet in this case, a copy of Plaintiff's second amended complaint, Dkt. 81, the report and recommendation on Plaintiff's motion to amend and Defendants' motion to dismiss, Dkt. 66, Defendants' answer, Dkt. 68, the order adopting the report and recommendation granting in part and denying in part Plaintiff's motion to amend and Defendants' motion to dismiss, Dkt. 71, and the pretrial scheduling order, Dkt. 72.

Conclusion

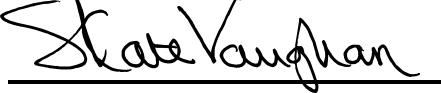
Accordingly, it is hereby ORDERED:

- (1) Plaintiff's second motion to appoint counsel, Dkt. 76, is DENIED as duplicative and moot.
 - (2) Plaintiff's "motion for continuance", Dkt. 77, is GRANTED to the extent that all discovery as well as the discovery and dispositive motions deadlines in this case shall be STAYED until the Court's search for counsel to represent Plaintiff is complete.
 - (3) The Clerk is directed to send Plaintiff a copy of the following documents to his current address at SCORE Jail: the docket sheet in this case, a copy of Plaintiff's second amended complaint, Dkt. 81, the report and recommendation on Plaintiff's motion to amend and Defendants' motion to dismiss, Dkt. 66, Defendants' answer, Dkt. 68, the order adopting the report and recommendation granting in part and denying in part Plaintiff's motion to amend and Defendants' motion to dismiss, Dkt. 71, and the pretrial scheduling order, Dkt. 72. Plaintiff is advised, however, that if he seeks additional copies of court filings in the future, he may be required to pay a fee of \$ 0.50 per page.

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1 (4) The Clerk is directed to send copies of this order to the parties and to the Honorable
2 Lauren King.

3 Dated this 7th day of October, 2022.

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6 S. KATE VAUGHAN
7 United States Magistrate Judge
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